

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, INC., ET AL.,

Plaintiffs,

v.

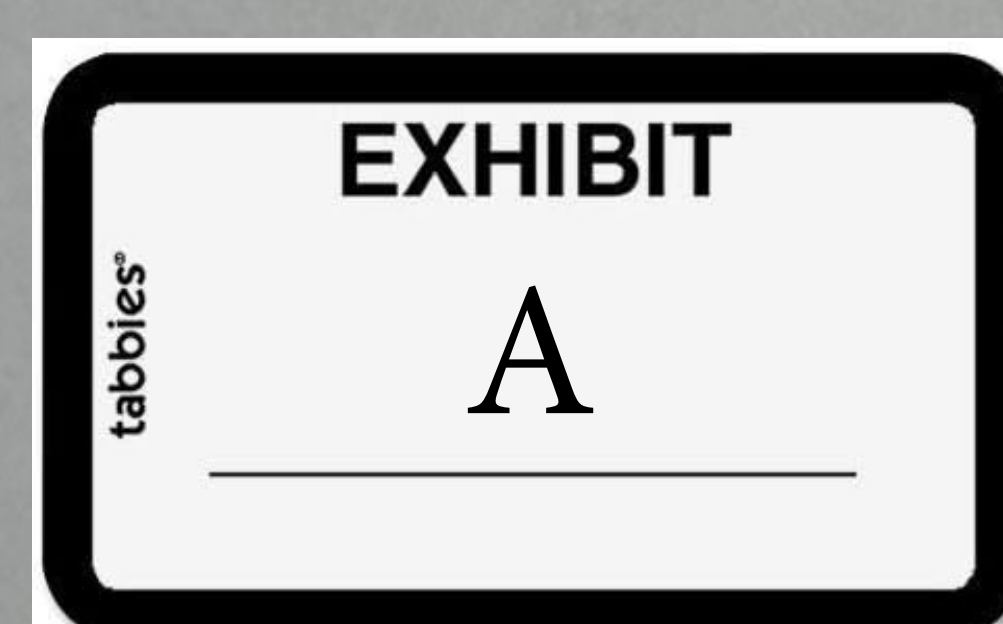
MERRICK GARLAND,
IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL
OF THE UNITED STATES, ET AL,

Defendants.

Case No. _____

DECLARATION OF MR. PATRICK CAREY

1. My name is Patrick J. Carey. I reside in Zachary, Louisiana.
2. I am a U.S. citizen. I have never been charged with or convicted of a felony. I am able to legally purchase and possess firearms.
3. Prior to August 22, 2022, I purchased and owned two “FRT-15—Rarebreed Trigger.”
4. The purchase price for each FRT-15 was \$ 300/450.
5. On August 22, 2022, agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) visited my house. They provided me with a letter asserting that that “ATF has information that you have acquired one or more Forced/Hard Reset Trigger (FRT) devices,” that “[t]hese items have been classified as machineguns that were unlawfully manufactured. Possession of these devices is a violation of law due to their illegal manufacture,” and that *“the unlawful receipt and possession of any of these devices is a felony violation of Federal law”* (emphasis in the original). A true and correct copy of this letter is attached to this Declaration.

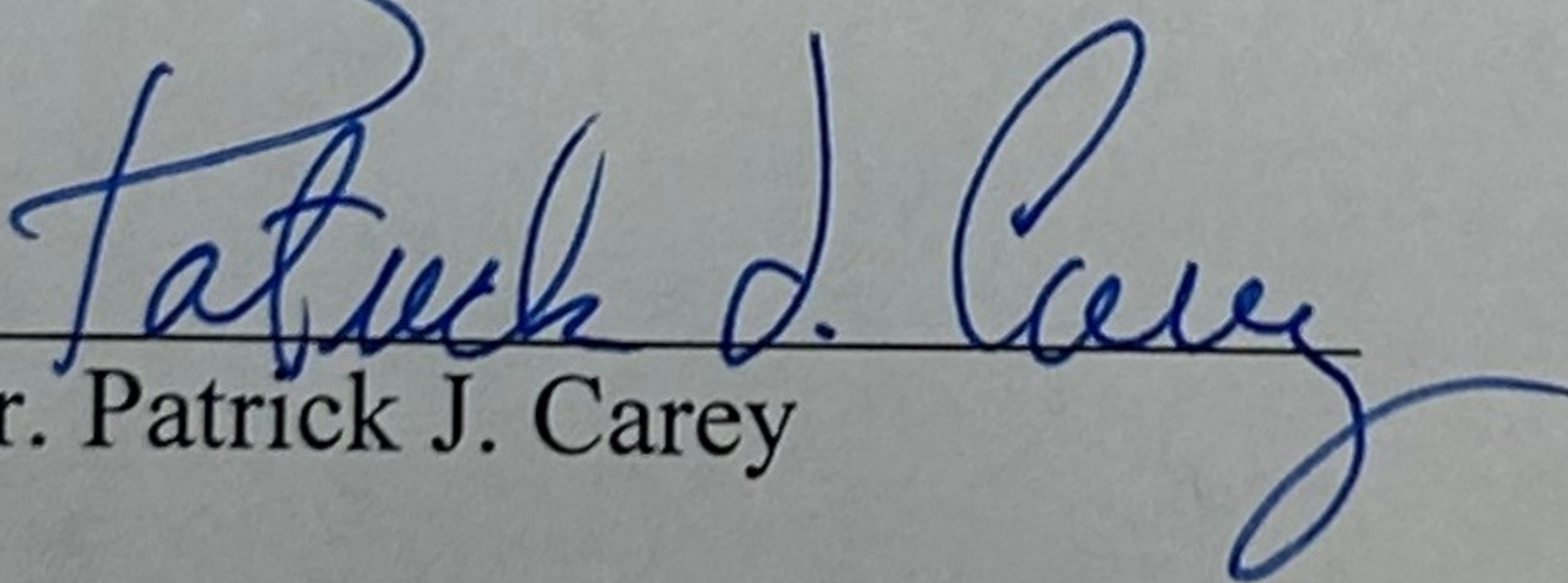


6. In response to the ATF's assertion that the continued possession of a forced reset trigger is a felony violation of federal law, and in fear of civil or criminal prosecution, I surrendered two FRT-15 forced reset triggers to the ATF. A true and correct copy of the "Consent to Forfeiture or Destruction of Property and Waiver of Notice" form is attached to this Declaration.
7. I did not want to get rid of my FRT-15 forced reset triggers. I would like to own forced reset triggers. I would like to purchase new forced reset triggers. But for the ATF's threat of federal prosecution, I would purchase new forced reset triggers.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on July 28, 2023.

By:


Mr. Patrick J. Carey



985-287-2883
Ind ops -
IOT
Local Donna

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

[Baton Rouge] Field Division

[Date] 8-22-22

www.atf.gov

TO: Patrick Carey
5016 Knight Drive
Zachary, LA

WARNING NOTICE

YOU MAY BE IN VIOLATION OF FEDERAL LAW

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for enforcing Federal firearms laws. ATF has information that you have acquired one or more Forced/Hard Reset Trigger (FRT) devices [Insert exact description of purchased item(s) if available] from Gunbroker.com account "RifleRemedy2000". These items have been classified as machineguns that were unlawfully manufactured. Possession of these devices is a violation of law due to their illegal manufacture. As such, due to their illegal manufacture, the registration of these devices in the National Firearms Registration and Transfer Record (NFRTR) is also a violation of law.

This letter officially notifies you that the unlawful receipt and possession of any of these devices is a felony violation of Federal law and devices that are unlawfully received or possessed are subject to seizure and forfeiture by the Federal government. Continued possession of any of the devices could result in prosecution for criminal violations of Federal law as well as potential State criminal violations. Any future purchase or possession of such devices may subject you to prosecution as well.

The National Firearms Act (NFA), Title 26 U.S.C. Section 5845(b), defines the term "machinegun" as:

"...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."

The Gun Control Act of 1968 (GCA), as amended, Title 18 U.S.C. Section 922(o), prohibits an individual from possessing or transferring any machinegun not lawfully possessed prior to May 19, 1986. Federal regulation at Title 27 C.F.R. Section 479.105(c) generally permits qualified importers or manufacturers to manufacture or import machineguns after May 19, 1986, for sale or distribution to the government. However, it has been determined that these FRT machineguns, at least one of which is in your possession, were not lawfully manufactured pursuant to this regulation. Therefore, it is not lawful for you to possess the FRT machinegun(s).

Immediately contact your local ATF office at [*phone number*] within 30 days of receipt of this letter to coordinate the abandonment of any, and all, of the FRT machinegun(s) described above.

Thank you for your prompt attention to this matter.

Sincerely yours,

[*J. Hutchison*]

Special Agent

Bureau of Alcohol, Tobacco, Firearms and Explosives

[Baton Rouge] Field Division